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PARIS FOR ZEYA; LONDON FOR TSOU

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TAGS: [PGOV](#) [PREL](#) [KCRM](#) [SY](#) [IR](#)
SUBJECT: SARG RELIEF AFTER UNIIIC'S VIENNA QUESTIONING;
SYRIA'S IRAN POLICY

Classified By: Charge d'Affaires Stephen A. Seche, per 1.4 b,d.

¶1. (C) Summary: Long-standing Embassy contact Dr. Samir al-Taki told Polchief February 5 that the Syrian suspects who traveled to Vienna in mid-January for a second round of questioning emerged saying that UNIIIC investigators gave the impression they had no new leads to follow up on or questions to ask. Nonetheless, SARG officials, at least at the MFA, remain very concerned about the dangers posed by the UNIIIC inquiry. A British legal team has advised President Bashar al-Asad not to formally invoke a claim of sovereign immunity but to use the claim informally to leverage better conditions from UNIIIC for any interview. On a separate issue, al-Taki criticized the SARG's Iran policy and noted that Iran is making great inroads influencing Syria, having succeeded in inserting military advisors, including for special forces, as well civilian advisors at key Syrian research centers focused on technology and weapons. End Summary.

¶2. (C) The Syrian suspects who were questioned for the second time in Vienna in mid-January emerged from the ordeal feeling relieved, sensing that the UNIIIC interrogators had developed no new leads or even questions to ask, according long-standing Embassy contact and MFA advisor Dr. Samir al-Taki, who accompanied them to Vienna. The suspects, including SMI General Rustom Ghazaleh, described some "fishing" by investigators that seemed designed to implicate President Bashar al-Asad in the assassination of former Lebanese PM Rafik al-Hariri. Al-Taki noted that the UNIIIC investigators had unearthed a "sickening" level of corruption involving Syrians and Lebanese but that investigators did not seem interested in pursuing the Syrian suspects over these activities.

¶3. (C) Al-Taki reported that the British legal experts whom the SARG had engaged had been present in Vienna, with one of them sitting in on the interrogations. The British team of experts had offered the SARG a complicated, nuanced opinion about whether, or to what degree, Syrian President Bashar al-Asad has immunity under existing international legal precedents. They argued that he probably has some degree of immunity but it is unclear if it covers an investigative phase or only a trial phase. In addition, the UNSC has the power to revoke that immunity in certain contexts. For that reason, the team argued that Asad and his advisors should not formally invoke any claim to immunity for the president, which would likely trigger UNIIIC head Serge Brammertz to seek UNSC action to lift it, destroying any legal ambiguity that could be used to bolster Asad's position. Instead, they should continue informally arguing that Asad in theory has immunity and use that to try to leverage the best possible conditions from Brammertz for an interview.

¶4. (C) Al-Taki reported that then-FM Farouk a-Shara'a had fought tenaciously within the SARG to avoid having to be questioned by UNIIIC. According to al-Taki, however, Shara'a had recently lost that battle when the President had summoned him and told him he had to go through with the interview. Despite any relief over the Vienna questioning, the SARG, especially officials at the MFA, remain very concerned about the danger that the UNIIIC investigation poses, said al-Taki, mentioning (without elaborating) a letter from UNIIIC recently received at the MFA that had provoked intense worry about where the investigation is heading.

¶5. (C) On a separate topic, al-Taki told PolChief that GID Deputy Director, Mohammed Nassif Khairbek, whom he termed the architect of Syria's Iran policy, is again at the height of his influence. Al-Taki described Khairbek as one of the key thinkers behind Hafez al-Asad's foreign policy, especially his "Shiite policies," over a two-decade period, and noted that it is a role he has regularly reprised for Bashar al-Asad. Khairbek meets regularly, up to once a week, with Hizballah chief Sheikh Hassan Nasrallah, coordinating Syrian and Hizballah positions.

¶6. (C) According to al-Taki, Iran is making great inroads influencing Syria, having succeeded in inserting military advisors, including for special forces, as well as civilians at key Syrian research centers focused on technology and weapons. Al-Taki described al-Asad as schizophrenic in his approach to foreign policy, noting that the president does not like to listen and take advice (as he used to), feeling that he knows everything. On Iran policy, it is not clear that the president fully understands what he is doing. Al-Taki took issue with the view that Walid Mu'allim's appointment as FM would temper any excesses in Syria's

Iranian policy, noting that the security services (led by Khairbek) -- and not the MFA -- have control over Syria's relation with Iran. He said the Iran policy is designed to pressure the U.S. to re-engage with Syria and to improve its negotiating position. Al-Taki described the policy as misconceived and doomed to fail, given the U.S. determination not to bring Syria into any negotiations on the Golan while it supports terrorist groups and engages in other unhelpful practices. The regime, he noted, is too strong to fall quickly, so if it does fall, it will be slowly, allowing Iran to assert more and more influence on Syria under such conditions.
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